IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22901 of 1998

Between:

T.V.Pitchaiah, S/o. Papaiah,
31-33-84, Leela Mahal Road,
Daba Gardens, Visakhapatnam.

... PETITIONER

AND

1 The General Manager, Telecom District,
Daba Gardens, Visakhapatnam.
2 The Accounts Officer,
O/o. Telecom District General Manager, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more especially one in the nature of Mandamus directing the respondent to refer the dispute Bills dt. 1.12.97 and 1.2.98 issued by the 2nd Respondent to arbitration Under
Sec- 7(A) of the Indian Telegraph Act and in the mean while to grant reconnection.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondents: MR.S.S.VARMA

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus directing the respondent to refer the

disputed bills dated 01-12-1997 and

01-12-1998 issued by the second respondent to arbitration under Section 7(A) of the Indian Telegraph Act and in the meanwhile grant reconnection.

2. Heard the learned counsel for petitioner and the learned standing counsel appearing for the respondents.

3. This Court, while admitting the writ petition, passed interim direction on 13-08-1998 on condition that the petitioner deposits half of the demanded amount in the bill. Even after several years, no counter affidavit is filed.

4. It is submitted by the learned counsel for the petitioner that the matter may be referred to an arbitrator under Section 7 (b) of the Indian Telegraph Act (for short 'the Act') and the learned standing counsel for the respondents, expressed no objection.

5. Under those circumstances, I deem it appropriate to dispose of the writ petition with a direction to the respondents to refer the matter to the arbitrator under Section 7 (b) of the Act and if any amount had been paid by virtue of the interim direction given by this Court, the same shall be adjusted to the award that may be passed by the arbitrator. The whole exercise shall be done within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J

February 28, 2005

MRR

Copy to:

1 The General Manager, Telecom District,
Daba Gardens, Visakhapatnam.
2 The Accounts Officer,
O/o. Telecom District General Manager, Visakhapatnam.

3 Two C.D. Copies.